GOVERNMENT OF MADRAS. Sectt. II-28—0,006—12-6-53.

P.W. (1953) Department.

Endorsement
~~D.O.~~
~~Memorandum~~
~~Lodged~~

No. 65701-Q/F/53-5

Dated 9-12- 1953.

closed
9.12
Sent all

FURTHER PAPERS.

Department.	Number.	Series.	Date.

GOVERNMENT OF MADRAS. Sectt. II-28—0,006—12-6-53.

P.W. (1953) Department.

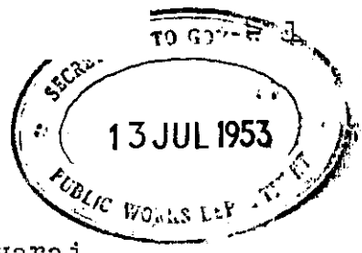
Endorsement
~~D.O.~~
Memorandum
~~Lodged~~

No. 65701-Q/F/53-5

Dated

closed
P.W.

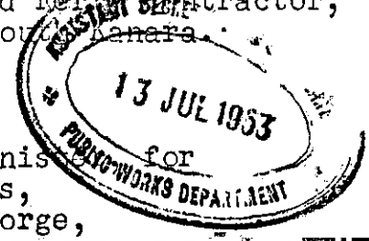
(2)

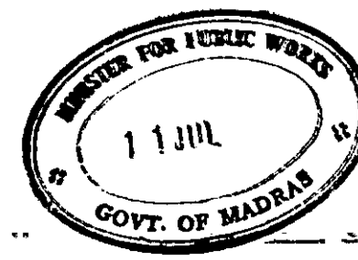


63865 Katapadi, S. Kanara.
Dated 9th July, 1953.

From

Sri K. Devaraj,
Merchant and Ferry Contractor,
Katapadi, South Kanara.





To

The Hon. Minister for
Public Works,
Fort St. George,
M-A-D-R-A S.

Sir,

Sub: Udyavar Ferry (South Kanara District)--auction sale for 3 years from 1-4-'53 to 31-3-'56 deposit amount--clarification requested.

1 I beg to place before the Hon. Minister the following facts for your kind consideration and favourable orders.

2 I had bid for the Udyavar Ferry in S.K. District at the Public Auction held on 23-2-'53 and the same was knocked down on me for a sum of Rs. 85,500/-, whereby I got the right of collecting ferry charges etc. for a period of 3 years commencing from 1-4-'53. According to Departmental rules, I had to produce a solvency certificate and accordingly I had produced one for Rs.50,000/-.

3 There are very many facts to be brought to the notice of the Hon. Minister in this connection. But to avoid repetition, I would like to enclose true copies of the following petitions to the following authorities and a kind perusal of all these petitions will lay bare all the facts connected with this matter.

(1) Petition sent to the Divl. Engineer, Highways, Mangalore, dated 13-3-'53.

(2) Petition sent to the Superintending Engineer, (H) Coimbatore, dated 26-3-'53.

4 The main contention that has been put forward by me in the abovesaid two petitions and others one of which I had sent to the Chief Engineer (H) to the Govt. of Madras is, that I should be permitted to deposit only 25% of one year's bid amount and not

25% of the total bid amount for 3 years. In other words my prayer is to permit me to deposit as advance only 25% of Rs. 28,500/- which comes to Rs. 7,125/- and not 25% of Rs. 85,500/- which comes to Rs. 21,375/-. In this connection I may be permitted to add that I had already deposited a sum of Rs. 7,125/- according to bid notification. But I was compelled to deposit Rs. 21,375/- by the Divl. Engineer (H), South Kanara and as against that order I had sent up a petition to the Chief Engineer, Madras, who seems to have viewed the entire matter from altogether a different point of view. A copy of the order of the Chief Engineer is enclosed herewith which may kindly be perused.

5 According to the said order he had directed me to deposit 25% of one year's bid amount plus 5% of the total bid amount of the full 3 years' (i.e. 5% of 85,500/-) which comes to Rs. 4,275/-. I would like to submit that even by this order my legitimate grievance have not been redressed. My stand is entirely different.

6 Before putting up the said ferry for auction a sale notification had been published. According to the said sale notification, it has been specifically stated that the bidder should deposit 25% of one year's bid amount. With regard to this particular ferry of Udyavar only one additional clause has been mentioned, viz., that the Udyavar Ferry would be auctioned for a period of 3 years. Therefore normally and legally anybody would get the impression that a successful bidder has only to deposit of 25% of one year's bid amount. This impression would be confirmed by the fact that so far as the ferry is concerned no previous bidder had paid 25% of the 3 years' bid amount but they have been depositing only 25% of one year's bid amount. So I had bid for this ferry under that impression. Otherwise, I would not have raised the bid to such an enormous amount as one would require about Rs. 15,000/- for boats, launch etc. to begin the ferry contract. So if 25% of the total 3 years' bid amount is ordered to be deposited one would require not less than about 35 to 40 thousand rupees, for this business, which amount cannot be normally spared by ordinary people and ne-

cessarily this busine's be monopolised by a few rich people. I feel sure and am bold enough to say that this is not the policy of the present Governm nt.

4 In this connection, I am very sorry to point out that the order of the Chief Engineer has no basis at all and does not satisfy any of the requirements of the sale notification. On the other hand, virtually it has the effect of raising the 1st years' bid amount to 30% which has not at all been mentioned in the sale notification.

5 Therefore in the interest of future bids this clarification is absolutely necessary. I still contend that legally according to the sale notification, I am bound to pay 25% of one year's bid amount and not 25% of 3 year's bid amount.

6 So I humbly pray that you may be pleased to take into consideration that all the facts stated above and after perusal of the copies of various petitions sent by me and the sale notification published by the D.E. Highways S. Kanara, and direct the concerned authorities to take only a deposit of 25% of one year's bid amount.

10 If the Govt. does not interfer and give this direction at this stage, I am very much constrained to state that my bid may be cancelled or set aside as one due to mistake of fact and my deposit already made may be ordered to be returned as under the present circumstances, and on account of general depression in business, it is impossible for me to carry on the said business.

11 In this connection I may be permitted to add that I am given to understand that the department itself is contemplating to run the ferry if I failed to deposit a further sum of Rs. 4,275/-. It is impossible to deposit this amount at present as I had already spent about Rs. 20,000/- for a launch, boats etc. after I took up this ferry. My resources have been crippled and my hands are tied.

12 Pending final orders on this petition, I request the Hon. Minister to issue a stay order to the department regarding taking over

the Udyavar Ferry and running it departmentally.

13 I further pray that orders on this petition may be expeditiously passed so enable me to carry on my work.

Thanking you,

I remain,
Yours faithfully,

M. Devaraja

Copy to:

(1) The Chief Engineer to the Port of Madras, Highways Dept.

(2) The Superintending Engineer (H) Coimbatore.

(3) The Divisional Engineer (H) Mangalore.

61/15-7

End no. 638659/53-1 dt 15-7-53.

Referred Copy forwarded to the CE(H) for disposal remarks.

MA 15-7-53

15-7-53.

15.7.53

Rev. (Q1) dt 15-7-53.

To the CE(H) Addl with copy of pp 1-7 above and p q in fwd

(8/7/53)

Note :- As the petition at pp 1-7 above contains some allegations against the officials of the Highways Deptt, the remarks of the CE(H) may be called for. The draft above is for approval.

MA 15-7-53

15-7-53.

15.7.53

REGD.POST ACK. DUE.
Rc.-1021/53-A1.

Office of the Divisional Engineer Highways
South Kanara Division, Mangalore.D/10-6-53
P.B. No.156.

M E M O.

Sub: Ferries - Udiyavar ferry - auction sale for 3 years from 1-4-53 to 31-3-56 - deposit of 25% - collecting orders issued.

Ref: Petition of K. Devaraja, Renter dt. 31-3-53 and Supg. Engineer's (H)IVth Circle, No. 1026/53 dt. 30-5-53.

The Chief Engineer (H) Madras has ordered to collect 25% of the proportionate lease amount of the 3 years for the first year, in respect of Udiyavar ferry, towards initial deposit and further security deposit of 5% of the total lease amount, for the due fulfilment of the conditions of the lease. Therefore Sri K. Devaraja, Renter of Udiyavar ferry is hereby directed to remit Rs. 4275/- as detailed below within a week on receipt of this order and produce/lease agreement in the prescribed form duly stamped also be executed and submitted to this office within a week on receipt of this.

(Produce the chalan in support of the remittance made. Necessary)

5% of Rs. 85,500/- towards security deposit.. .. Rs. 4,275/-

SD. M.S.SHOUTY
DIVL.ENGR.(H)MANGALORE.

To
Sri K. Devaraja, Udiyavar ferry renter,
Katpady.

True copy/ forwarded/by order.

IB. 15/6/53.

Manager & Accountant.

5701
SECRETARY TO GOVERNMENT 17 JUL 1953 PUBLIC WORKS DEPARTMENT
ADDL. ASST. SECRETARY TO GOVERNMENT 18 JUL 1953 PUBLIC WORKS DEPARTMENT

Katapadi,
Dated 8.7.53

From

Shri K. Dévaraj,
Merchant and Ferry Contractor,
Katapadi, South Kanara.

To

The Hon. Minister, for
Public Works,
Fort St. George,
Madras.

Sir,

Subj: Ullavar Ferry (South Kanara District)--auction sale for 3 years from 1-6-'53 to 31-5-'56 deposit amount--clarification requested.

I beg to place before the Hon. Minister the following facts for your kind consideration and favourable orders.

I had bid for the Ullavar Ferry in S.K. District at the public auction held on 23-5-'53 and the same was knocked down on me for a sum of Rs. 85,500/-, whereby I got the right of collecting ferry charges etc. for a period of 3 years commencing from 1-6-'53. According to Departmental rules, I had to produce a solvency certificate and accordingly I had produced one for Rs. 50,000/-.

There are very many facts to be brought to the notice of the Hon. Minister in this connection. But to avoid repetition, I would like to enclose true copies of the following petitions to the following authorities and a brief perusal of all these petitions will lay bare all the facts connected with this matter.

(1) Petition sent to the Divl. Engineer, Highways, Bangalore, dated 13-3-'53.

(2) Petition sent to the Superintending Engineer, (I) Coimbatore, dated 26-3-53.

The main contention that has been put forward by me in the abovesaid two petitions and others one of which I had sent to the Chief Engineer (H) to the Govt. of Madras is, that I should be permitted to deposit only 25% of one year's bid amount and not

Please issue an order to the effect that Shri K. Devaraj is permitted to deposit only 25% of one year's bid amount as desired by him in the petition. Contd. over the page
S. L. N. 16.7.53

25% of the total bid amount for 3 years. In other words my prayer is to permit me to deposit as advance only 25% of Rs. 28,500/- which comes to Rs. 7,125/- and not 25% of Rs. 85,500/- which comes to Rs. 21,375/-. In this connection I may be permitted to add that I had already deposited a sum of Rs. 7125/- according to bid notification. But I was compelled to deposit Rs. 21,375/- by the Divl. Engineer (H), South Kanara and as against that order I had sent up a petition to the Chief Engineer, Madras, who seems to have viewed the entire matter from altogether a different point of view. A copy of the order of the Chief Engineer is enclosed herewith which may kindly be perused.

According to the said order he had directed me to deposit 25% of one year's bid amount plus 5% of the total bid amount of the full 3 years (i.e. 5% of 85,500/-) which comes to Rs. 4,275/-. I would like to submit that even by this order my legitimate grievances have not been redressed. My stand is entirely different.

Before putting up the said ferry for auction a sale notification had been published. According to the said sale notification, it has been specifically stated that the bidder should deposit 25% of one year's bid amount. With regard to this particular ferry of Udyavar one one additional clause has been mentioned viz., that the Udyavar Ferry would be auctioned for a period of 3 years. Therefore normally and legally anybody would get the impression that a successful bidder has only to deposit of 25% of one year's bid amount. This impression would be confirmed by the fact that so far as the ferry is concerned no previous bidder had paid 25% of the 3 years bid amount but they have been depositing only 25% of one year's bid amount. So I had bid for this ferry under that impression. Otherwise, I would not have raised the bid to such an enormous amount as one would require about Rs. 15,000/- for boats, launch etc. to begin the ferry contract. So if 25% of the total 3 years bid amount is ordered to be deposited one would require not less than about 35 to 40 thousand rupees, for this business, which amount cannot be normally spared by ordinary people and necessarily this business will be monopolised by a few ric

people. I feel sure and am bold enough to say that this is not the policy of the present Government.

In this connection, I am very sorry to point out that the order of the Chief Engineer has no basis at all and it does not satisfy any of the requirements of the sale notification. On the other hand, virtually it has the effect of raising the last years bid amount to 20% which has not been mentioned in the sale notification.

Therefore in the interest of future bids this clarification is absolutely necessary. I still contend that legally according to the sale notification, I am only bound to pay 25% of one year's bid amount and not 25% of 3 years' bid amount.

So I humbly pray that you may be pleased to take into consideration that all the facts stated above and after perusal of the copies of various petitions sent by me re the sale notification published by the D.I. Eighteys C. Konara, and direct the concerned authorities to take only a deposit of 25% of my year's bid amount.

If the Govt. does not interfere and give this direction at this stage, I am very much constrained to state that my bid may be cancelled or set aside as owing to mistake of fact and my deposit already made may be ordered to be returned as under the present circumstances, and on account of general depression in business, it is impossible for me to carry on the said business.

In this connection I may be permitted to add that I am given to understand that the department itself is contemplating to run the ferry if I failed to deposit a further sum of Rs. 4,275/-. It is impossible to deposit this amount at present as I had already spent about Rs. 20,000/- for a launch, boats etc. after I took up this ferry. My resources have been crippled and my hands are tied.

Pending final orders on this petition, I request the Hon. Minister to issue a stay order to the department regarding taking over the

-13-

people. I feel sure and am bold enough to say that this is not the policy of the present Government.

In this connection, I am very sorry to point out that the order of the Chief Engineer has no basis at all and it does not satisfy any of the requirements of the sale notification. On the other hand, virtually it has the effect of raising the 1st years bid amount to 30% which has not at all been mentioned in the sale notification.

Therefore in the interest of future bids this clarification is absolutely necessary. I still contend that legally according to the sale notification, I am only bound to pay 25% of one year's bid amount and not 25% of 3 years' bid amount.

So I humbly pray that you may be pleased to take into consideration that all the facts stated above and after perusal of the copies of various notifications sent by me read the sale notification published by the D.F. Highways C. Kannore, and direct the concerned authorities to take only a deposit of 25% of one year's bid amount.

If the Govt. does not interfere and give this direction at this stage, I am very much constrained to state that my bid may be cancelled or set aside as one due to mistake of fact and my deposit already made may be ordered to be returned as under the present circumstances, and on account of general depression in business, it is impossible for me to carry on the said business.

In this connection I may be permitted to add that I am given to understand that the department itself is contemplating to run the ferry if I failed to deposit a further sum of Rs. 4,275/-. It is impossible to deposit this amount at present as I had already spent about Rs. 20,000/- for a launch, boats etc. after I took up this ferry. My resources have been crippled and my hands are tied.

Pending final orders on this petition, I request the Hon. Minister to issue a stay order to the department regarding taking over the

Udyavar Ferry and running it departmentally.

I further pray that orders on this petition may be expeditiously passed to enable me to carry on my work.

Thanking you,

I remain,
Yours faithfully,

M. Bhara/a

Copies to:

(1) The Chief Engineer to the Port of Madras, Highways Dept.

(2) The Superintending Engineer (H) Coimbatore.

(3) The Divisional Engineer (H) Mangalore.

[redacted]ST ACK. DUE.
[redacted]021/53-A1.

Office of the Divisional Engineer Highways
South Kanara Division, Mangalore.D/10-6-53
P.B. No.156.

M E M O.

Sub: Ferries - Udiyavar ferry - auction sale for 3 years from 1-4-53 to 31-3-56 - deposit of 25% - collecting orders issued.

Ref: Petition of K. Devaraja, Renter dt. 31-3-53 and Supg. Engineer's (H)IVth Circle, No. 1026/53 dt. 30-5-53.

The Chief Engineer (H) Madras has ordered to collect 25% of the proportionate lease amount of the 3 years for the first year, in respect of Udiyavar ferry, towards initial deposit and further security deposit of 5% of the total lease amount, for the due fulfilment of the conditions of the lease. Therefore Sri K. Devaraja, Renter of Udiyavar ferry is hereby directed to remit Rs. 4275/- as detailed below within a week on receipt of this order and produce/lease agreement in the prescribed form duly stamped also be executed and submitted to this office within a week on receipt of this.

(/produce the chalan in support of the remittance made. Necessary)

5% of Rs. 85,500/- towards security deposit.. .. Rs. 4,275/-

SD. H.S.GROUTY
DIVL.ENGR.(H)MANGALORE.

To
Sri K. Devaraja, Udiyavar ferry renter,
Katpady.

True copy/ forwarded/by order.

IB. 12/6/53.

Manager & Accountant

17 (91)

Memo no. 65701 Q/53-1 dt 18-7-53.

Sub: Ferries - South Kanara Dist - Udyavar ferry - Auction sale - deposit amount.

Ref: Petition dt 8-7-53 from Sri K. Devaraj, Katapadi

A copy of the petition cited is forwarded to the CE (H) for remarks. He is informed that the department need not take over the management of the Udyavar ferry from the lessee till this appeal is finally disposed off by the Court.

18.7.53. 18/7/53

To the CE (H) with copy of ref by Spl. Messenger Yesterday 18/7/53

68206

Note:- Please see pp 1-5 ref and the minutes of SE (PW) on p. 1 ref. The draft above is for approval. Finance may see after issue.

18.7.53 18/7/53 18.7.53.

ADDL. ASST. SECRETARY TO GOVERNMENT 25 JUL 1953 PUBLIC WORKS DEPARTMENT

65701 Q/53-2

18/7/53

Finance (Accts)

NATIONAL DEPUTY SECRETARY TO GOVERNMENT 89035 20 JUL 1953 FINANCE DEPARTMENT

May be perused and returned to this

PWD 23/7/53 23/7/53 24.7.53 PWD

89035/Plus.

24.7.53

12 [illegible]

Pno. (Q1)

The reply from the CE (H) to the reference on p. 1 ante may be awaited till 20.8.53.

25-7-53.
NL
25.7.53.

27/7/53

P.W. (Q1)

63/25/8/

T.M. No. 6570/Q/53-8 dt 20-8-53.

From The A.S. PWD To the CE (H)

Subject: (As on p. 17 ante)
Ref: Cront. Memo. No. 6570/Q/53-1 PW dt 18.7.53.

Please expedite your reply to the reference cited.

TM issued
RNB 20/8

PC to go.
28/8/53

20/8/53
NL
20.8.53

26/8/53

65,101/53 17

HIGHWAYS DEPARTMENT.

From

Sri K.K.Nambiar,B.E.,M.I.E.(Ind.)
F.Inst.H.E.(Eng.)M.I.Mun.E.(Eng.)
M.Am.Soc.C.E.,M.R.San.I.,
Chief Engineer(Highways),
Chepauk,Madras-5

To

The Secretary to Government
Public Works Department,
Fort St.George,
Madras-9.

ADDL. ASST. SECRETARY PUBLIC WORKS DEPT. 1 SEP

-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v

Letter No.18669-D1/53-3 dated 27.8.53.

Sir,

Sub: Ferry - South Kanara District -Udayavar Ferry - auction sale - Deposit amount - Report.

78339 Ref: Government P.W.D. Telephonic Message dated 20-8-53. D18

The matter is under consideration and a reply will be sent at an early date.

A.R. till 25-9-53.

for CHIEF ENGINEER(HIGHWAYS)

ag.23/8 28-8 2/9/53.

953

21

65711/53

From
Sri.K.K.Nambiar,B.E.,M.I.E.,(Ind)
F.Inst.H.E.(Eng)M.I.Mun.E(Eng)
M.Am.Soc.C.E.,M.R.San.I.,
Chief Engineer(Highways)
Chepauk, Madras-5.

To
The Secretary to Government,
Public Works Department,
Fort St.George

Letter No.18669-D1/53-5 dated 12-10-53.

Sir,

Sub: Ferry - South Kanara Dt. - Udayavar ferry - auction sale - Deposit amount

Ref: Govt. Memo No.65701-A/53-1 dated 18-7-53 and 63865-A/53-1 dated 15-7-53.

---

1 The Udayavar ferry in South Kanara District was auctioned for a period of 3 years from April 1953 and the successful bidder was Sri.K.Devaraja who secured it for a bid of Rs.85500/-. The lessee put on a petition dated 31-3-53 stating that 25% of the total bid amount for 3 years was demanded by the Divisional Engineer and contended that it should be 25% of one year bid amount. In previous years, only 25% of 1 year bid amount was collected through the bid was for 3 years. Para 345 of P.W.D. code however, requires the collection of 5% of the total purchase amount for the entire period of 3 years as security for the fulfilment of the conditions of the lease. So, the Divisional Engineer was directed t o collect 5% of the entire bid amount besides 25% of the one year proportionate amount according to para 345 of M.P.W.D. code. Against this, the contractor has appealed to Government vide petition dated 8-7-53 communicated with Government Endt.No.65701-A/53-1 dated 18-7-53.

2 A copy of the sale notification excluding schedules and additional conditions issued in this case is enclosed.

3 On a further consideration of the case it is felt that the demand of 5% of the total amount of lease need not be insisted and that the amount of 25% of the first year's lease amount which will be the permanent security till the contract is over will be sufficient. This may be approved.

4 According to the latest report from the Divisional Engineer the lessee is default in payment of the kist amounts as detailed b dow:

Kist of June 1953	Rs.166/-	plus penalties at 12%
July 1953	Rs.3166/-	vide clause 5(vi)
August 1953	Rs.3166/-	of sale notification

5 The lessee is not regular in his payments so far and has not yet executed the agreement pending orders on his representation. If he does not pay the amount action has to be taken according to clasue 5(vi) for the management of the ferry departmentally. Taking over the management of the ferry departmentally is deferred with reference to the orders in Government Memo No.65702-A/53-1 dated 18-7-53.

Early orders may therefore be issued.

for CHIEF ENGINEER(HIGHWAYS)

Enc: Copy of Sale notification

HIGHWAYS DEPARTMENT SOUTH KANARA DIVISION MANGALORE.

SALE NOTIFICATION.

Lease of ferry farms in the district of South Kanara for the year 1953-54

It is hereby notified that the right of collecting tolls (under the Madras Canals and Public ferries Act II of 1890) at the public ferries in the division mentioned in Schedule II attached to this notification for one year from ist April to 31st March will be sold in public auction under the provisions of the above mentioned Act and the rules framed thereunder, by the officers specified in the said schedule. The sale will be subject to the conditions hereinafter set forth.

The auction sale will be conducted in the offices of the Assistant Engineers (Highways) mentioned in the said schedule. The dates on which the auction sales will be held upset prices, etc are given in Schedule II. The auction will begin at 11 a.m on the dates fixed and will, if necessary, be continued on the following days commencing at the same hour.

Conditions.

1.(a) Persons intending to bid must attend either in person or by duly authorized agents. No person will be permitted to bid either on his own behalf or on behalf of any one else, until he has deposited with the officer conducting the sale an amount representing 10 percent of the upset price subject to a minimum of Rs. 20 and produces a solvency certificate from the Tahsildar or Deputy Tahsildar having jurisdiction over the place where the intending bider resides or carries on business.

The depsoits of unsuccessful bidders will be returned immediately on the close of the sale.

(b) The officer conducting the sale may, in his absolute discretion and without assigning any reason, disallow any person from bidding.

2. In the case of ferries supplied with jangar with landing cart and motor steps or planks and motor planks and notice boards such additional deposit as may be demanded shall be paid by the successful bidder on the day of the sale to the officer conducting the sale, or within a week of receipt of confirmation of the sale, if such extension of time is allowed by the officer conducting the sale.

3. The sale will be knocked down in favour of the highest bidder whose bid is in excess of the upset price subject to the confirmation by the Divisional Engineer, Highways who may , in his absolute discretion reject, all or any of the bids or order resale without assiging any reasons therefor.

4.(1) Within a week of receipt of the orders of confirmation of the sale the successful bidder should pay into the Government treasury specified by the Assistant Engineer to the credit of the Highways Department an additional amount which together with the initial deposit will make up 25 per cent of the bid amount. He shall, within fifteen days from the date of receipt of the confirmation of the sale execute at his own expense, a lease deed in the form prescribed duly stamped and registered wherever necessary. The successful bidder will not be permitted to take charge of the ferry until the abovmentioned conditions are fulfilled and a patta has been isssued in his favour.

4(ii) If the successful bidder fails to comply with any of the abovementioned conditions, the farm, at the discretion of the Divisional Engineer (Highways).

-will be resold at the risk of the bidder or run departmentally. The loss, if any sustained by such resale or departmental management will be set off against the initial deposit made by the bidder and he will also be liable to make good the balance of such loss. The renter shall not be entitled to any excess realized by the resale or departmental management. The successful bidder at the resale is entitled to receive charge from the defaulter who should hand it over to him. Any obstruction by or on behalf of the defaulter will be deemed to be an infringement of the provisions of section 17 of the Canals and Public Ferries Act II of 1890.

4(a) The successful bidder shall execute at his own expense a lease deed in the form prescribed duly stamped. The value of stamps to be affixed in the lease deeds are at the following rates as per Chief Engineer's circular Memo No. 7192-D1-HP dated 10-5-52.

1.	Where the lease amount does not exceed Rs. 10				Rs. 0-6-0
2.	Where it exceeds Rs.	10 and does not exceed Rs.		50	0-12-0
3.	-do-	50	-do-	100	1-8-0
4.	-do-	100	-do-	200	3-0-0
5.	-do-	200	-do-	300	4-8-0
6.	-do-	300	-do-	400	6-0-0
7.	-do-	400	-do-	600	7-8-0
8.	-do-	500	-do-	60-0	9-0-0
9.	-do-	600	-do-	700	10-8-0
10.	-do-	700	-do-	800	12-0-0
11.	-do-	800	-do-	900	13-8-0
12.	-do-	900	-do	1000	15-0-0

For every Rs. 500 and or part in excess of Rs. 1000: 7-8-0-

5. (1) The rents due periodically towards the lease shall be paid by the renter into the specified Government treasury, to the credit of the account head "Highways Suspense-III Other Remittances - Receipts on account of Highways Department - Highways Divisional" on or before the dates fixed under sub-clause (iii) of this condition. The treasury receipts in proof of payment made by the renters towards kist amounts, penalty and interest or any deposit shall be sent to the respective section officers in charge of ferries.

(ii)

(iii) When the amount of the lease is over Rs. 100 and below Rs.900 it should be paid in monthly instalments of Rs. 100 each, the last instalments representing the balance over round hundreds, and when the amount exceeds Rs. 900 it should be paid in nine equal monthly instalments. Each such instalment due should be paid on or before the 10th of each month commencing from April.

(iv) If the due date of payment of the kist amount falls on Sunday or any other Public Holiday or holidays, the amount may be remitted on the next working day of the treasury and in any case not later than the 15th of the month.

(v) The amount of deposits other than deposits under conditions paid by the successful bidders will be adjusted towards the last monthly instalments. In case of default the deposit may also be adjusted towards any overdue instalment or instalments of kist or towards loss sustained, if any, by resale or departmental management

(vi) Interest at 12 per cent per annum will be charged on instalments not paid on the due dates. When any instalement is overdue by more than a month, the Divisional Engineer shall be entitled , with or without notice to the defaulter to either place the ferry under departmental management, or resell the lease at the defaulter's riske

When the amount of the lease is Rs 100/- or less, it shall be paid in full in one instalment within one week from the date of receipt of the intimation of confirmation of the sale.

The limits of the ferries and the rates to be collected are given in Schedules II and III respectively.

7. (1) Only jangar ~~x~~platform landing cart or motor steps or motor ~~p~~ planks will be supplied by the department. Boats in sufficient numbers should be provided by the lessee at his cost.

(ii) The lessees of first class ferries may maintain a motor boat and where such a boat is maintained the renter shall be bound to conform to the special rules for the maintenance of motor boats.

8. The number and descripton of boats to be maintained by the renter and the number of men by whom they shall be worked at each class of ferries are given in Schedule II.

9. Any furtherinformation required in regard to the conditic of the lease and the obligations of the renter may be obtained on application in writing to the Divisional Engineer.

10.5 Intending bidders are informed that the sale of ferries is subject to all risks and natural calamities such as acts of God, etc an and that no claim for compensation due to such causes will be entertained.

11. Udiaver ferry. The sale of Udiaver ferry shall be for a period of 3 years (Three years) from 1-4-53 to 31-3-56. The lease shall provide ~~fund~~ and maintain a motor boat not less than 10 HP throughout the year, for ~~xxxxxxxx~~ ferrying ~~up~~ passengers and goods and touring jangars. The leasee shall be bound to confirm to the special rules for the maintenance of motor boats.

12. The lease of the Puliage ferry is liable to be terminatated within t the period unless one month notice to the lessee ~~x~~ent will be ordered to be collected proportionate to the period of lease.

~~x~~True copy/

For Chief Engineer (Highways)

SPECIAL.

"Highways Department"

From
Sri K.K. Nambiar, B.E.,M.I.E.(Ind).,
F.Inst.,H.E.(Eng).,M.I.Mun.E.(Eng).,
M.Am.Soc.C.E.,M.R.San.I.,
Chief Engineer (Highways),
Chepauk, Madras-5.

To
The Secretary to Government,
Public Works Department,
Fort Saint George,
MADRAS-9.

SECRETARY TO GOVERNMENT
3-DEC 1953
PUBLIC WORKS DEPARTMENT

101083

Letter No.18669-D1/53-5 dated 1-12-1953.

Sir,

Sub: Ferry - South Kanara District Udayavar Ferry - Auction Sale Deposit amount.

Ref: 1. Govt P.W.D. Memo No.65701-A/53-1 dated 18-7-53 and 63865-Q-53-1 dated 15-7-53.
2. This office letter No.18669-D1/53-5, dated 12-10-53.

I have to state that the Divisional Engineer reports that the lessee has taken shelter under the orders of Government that this department need not take over the management of the Udayavar Ferry till the appeal of the lessee is disposed of and has stopped payment of the kist amounts and that the arrear kist due from him now is Rs.13478/- plus 12% penal interest. The Divisional Engineer has stated that the agreement has not also been executed. It may become more difficult to collect the arrears amount from the lessee if it is accumulated.

I, therefore, request that early orders may be issued in the matter. A copy of the Divisional Engineer's letter is also enclosed.

1/12/53

For Chief Engineer (Highways).

Encl: Copy of D.E's letter.

ar:1-12:

21

Copy of letter No.D.O.A.1.1021/53 dated 19-11-53 from the Divisional Engineer (Highways), S.K. Division Mangalore to Superintending Engineer (Highways) IV Circle, Coimbatore.

...

Sub: Ferries - Udiavar Ferry - Default of lessee in payment of kist Report submitted.

I invite kind reference to my report Roc.No-A1-1021/53, dt.4-7-53, to the Chief Engineer (H), Madras, with reference to special D.O.letter No.18669/D1-53-3 dated 22-7-53 of the Technical Assistant to Chief Engineer, and further reports dated 25-7-53 and 15-9-53, copies of which were submitted to you also.

The lessee has taken shelter under the orders of Government that this Department need not take over the management of the Udiavar Ferry till the appeal of the lessee is disposed of by them and has stopped payment of the kist amounts from that date, in spite of notices issued to him, with result that the total amount of arrear kist due from him now is Rs.13,478/- plus penal interst @ 12% and I am unable to do anything in the matter.

p.t.o..

He has also not executed the agreement. I need hardly point out that as time lapses, the lessee may find it more and more difficult pay the arrear kist amount, and the Department to realise it.

I request you that the position may be explained to Government and may be requested to pass very early orders in the matter.

Yours sincerely,

sd/- M.S.Srouty.

:True Copy:

1/12/17

For Chief Engineer (Highways).

avr:1-12:

SPECIAL. 105260 "Highways Department"

7-DEC 1953

From:
Sri K.K. Nambiar, B.E.,M.I.E.(Ind).,
F.Inst.,H.E.(Eng).,M.I.Mun.E.(Eng).,
M.Am.Soc.C.E.,M.R.San.I.,
Chief Engineer (Highways),
Chepauk, Madras-5.

To:
The Secretary to Government,
Public Works Department,
Fort Saint George,
Madras-9.

Letter No.18669-D1/53-7 dated 4-12-1953.

Sir,

Sub: Ferry - South Kanara District Udayavar Ferry - Auction sale - deposit amount.

Ref: My letter No.18669-D1/53-6 dated 1-12-1953.

In continuation of my letter cited above, I forward herewith a copy of Superintending Engineer's D.O.No.A4-3543/53 dated 26-11-53.

As already reported the contractor has not executed the agreement and the amounts due from him are accumulating. It may be difficult to collect the arrears due; and apart from this, the enforcement of the penal clauses regarding interest may become impossible. I, therefore, request that the matter may be treated as special and orders issued at a very early date.

For Chief Engineer (Highways).

Encl: Copy of S.E's D.O.

avr:4-12:

384

PWD(F3)

The main file in this subject has been sent in circulation to M(W) with a draft Memo to the Petitioners & a draft Endt. to the C.E. wherein the CE has/has been asked to take action to collect all the arrears with penalty and to take over the management departmentally under clause 5(v) & 5(vi) in case the lessee fails to remit the whole amount with penalty.

2 This may be added to the main file on its receipt back from circulation.

7.12.53 7.12.53 8.12.53

35

Copy of D.O.Roc No.A4.3543/53 dated 26-11-1953 from the Superintending Engineer (Highways) Fourth Circle, Coimbatore to the Chief Engineer (Highways) Chepauk, Madras-5.

...

Sub: Ferries - Udiavar Ferry - Default of lessee in payment of kist - report.

...

I am sending herewith a copy of D.O. letter No.A1. 1021/53 dated 19-11-53 from the Divisional Engineer (Highways) Mangalore.

The difficulties pointed out by Sri M.S. Srouty are real. It is a matter in which Government may have to incure a loss amounting to about Rs.85,000 if timely action is not taken to collect the kist amounts in time. As observed by him, if arrears are allowed to accumulate, it might become impossible to collect the large amount at a later date. I wish to bring it to your personal notice so that you may take the matter to the pointed attention of Government and request orders as early as possible.

Yours sincerely,
Sd/- S.C. Nayak,
Suptg. Engr.(H),
IV Circle. Coimbatore.

PTrue Copy:

4/12/53

For Chief Engineer (Highways).

avr:4-12:

4/12

Immediate
Drafts [By Spl. Messenger)

Draft I

37

Memo No. 65701-Q/F/53-4 d/ 9.12.53

Sub: Ferries - South Kanara District
Udayavar Ferry - Auction Sale -
Deposit amount - Fixation of.

Ref: From Sri K.Devaraj, Merchant and Ferry Contractor, petition dated 9-7-1953.

Memo.
Govt. ~~Endorsement~~ No. 65701-Q/53-1 P.W. dt. 18-7-1953.
From the C.E.(H) letter No. 18669-D1/53-5 dated 12-10-53
From the C.E.(H) letter No.18669-D1/53-6 dated 1-12-53.

The Udayavar ferry in South Kanara District was auctioned on 23-2-53 for a period of three years commencing from 1-4-53 and Sri K.Devaraj secured it for a bid of Rs.85,500/-. The Highways Department authorities demanded a deposit of Rs. 21,375/- being 25% of the total bid amount of Rs. 85,500. The ferry contractor prayed that he might be permitted to deposit 25% of only one years bid amount(i.e. 25% of 28,500 which comes to Rs.7,125/-) as he contended that the sale notification specifically stated that the successful bidder should deposit 25% of one year's bid amount. On this representation, the C.E.(H) ordered that in addition to collecting 25% of one year's bid amount, 5% of the total bid amount of 85,500/- (i.e. 7,125 plus 4,275) should be collected as deposit amount. Against this order, the petitioner submitted an appeal petition to Govt. ~~dated~~ on 9th July 1953.

1. The Government have carefully examined the appeal petition and direct that 25% of the ~~first years~~ one year's pro-portionate lease amount

Immediate
Two Drafts [By Spl. Messenger)

Draft I

37

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2 The Government have carefully examined the appeal petition and direct that 25% of the ~~first years~~ one year's proportionate lease amount

deposited by the petitioner, which will be permanent security till the contract is over, be deemed sufficient.

3. The petitioner is also informed that necessary instructions have been issued to the C.E.(H) to take action under clause 5(v) and (vi) of the sale notification, in case he fails to pay all the arrears with penalty immediately.

To
Sri K.Devaraj,
Merchant Ferry Contractor,
Katapadi South Kanara.

Draft II

Endorsement No. 65701 Q/F/53-5 d/ 9.12.53

Copy communicated to the C.E.(H). He is informed that the Ferry Contractor has abused the stay order issued in Memo No. 65701 Q/53-1 d/ 18-7-53 which ~~has been~~ was given for a limited purpose i.e. to examine whether the petitioner should be called upon to deposit 25% of one year's bid amount or 25% of the whole bid amount. The contractor has carried on without paying regular monthly dues to Government. The C.E. is requested to collect all arrears immediately according to clause 5(v) of the sale notification. He is also requested to take action under clause 5(vi) of the sale notification in case the contractor fails to pay all the arrears with penalty ~~immediately~~.

To
The C.E.(H) with c
draft

58

deposited by the petitioner, which will be permanent security till the contract is over, be deemed sufficient.

para 2, p4 mb

3. The petitioner is also informed that necessary instructions have been issued to the C.E.(H) to take action under clause ~~xxx~~ 5(v) and (vi) of the sale notification, in case he fails to pay all the arrears with penalty immediately.

p5 mb

p25 CF

2/12.53

12.53.

To
Sri K.Devaraj,
Merchant+Ferry Contractor,
Katapadi South Kanara.

Draft II

Endorsement No. 65701 Q/F/53-5 d/ 9.12.53

Copy communicated to the C.E.(H).

He is informed that the Ferry Contractor has abused the stay order issued in Memo No. 65701 Q/53-1 d/ 18-7-53 which ~~has been~~ was given for a limited purpose i.e. to examine whether the petitioner should be called upon to deposit 25% of one year's bid amount or 25% of the whole bid amount, ~~xxxx~~ The contractor has carried on without paying regular monthly dues to the Government. The C.E. is ~~informed~~ requested to collect all arrears immediately according to clause 5(v) of the sale notification. He is also requested to take action under clause 5(vi) of the sale notification in case the contractor fails to pay all the arrears with penalty ~~immediately~~.

Draft I

para 1, p4 mb

p17 CF

p25 CF

p25 CF

Please do spl memo

9/12

2/12.53

7.12.53

To
The C.E.(H) with copy of draft 1.

[C.No.65701-Q/53]

P.W.D. (F-3).

Sub: Ferries - South Kanara District - Udayavar Ferry Auction sale - Deposit amount - Fixation of.

Ref: From Sri K. Devaraj, Merchant and Ferry contract South Kanara Dt., petition dated 9-7-53.
Govt. Endorsement No.65701-Q/53-1, dt.18-7-53.
From the Chief Engineer (Highways), letter No.18669-D1/53-5, dt.12-10-53.

In his petition dated 9-7-53, Sri K. Devaraj, Ferry Contractor, Katapadi, South Kanara District, represented that the Udayavar Ferry, South Kanara District was auctioned on 23-2-53 for a period of 3 years, commencing from 1-4-1953 and that he secured it for a bid of Rs.~~85,000~~ 85,500/-. He stated that the Highways Department authorities demanded a deposit of Rs.21,375/- being 25% of the total bid amount of Rs.85,500/- and that he prayed that he might be permitted to deposit 25% of Rs.28,500/- (i.e. 25% of one year's bid amount which comes to Rs.7,125/- and which he deposited) as he contended that the sale notification specifically stated that the successful bidder should deposit 25% of one year's bid amount. In support of this contention he pointed out that the successful bidders in all the previous years were depositing only 25% of one year's bid amount. On this prayer the C.E.(H) had ordered that in addition to collecting 25% of one year's bid amount, 5% of the total bid amount of Rs.85,500/- (i.e.Rs.7,125 +Rs.4275) should be ~~remitted~~ collected as deposit amount. Pointing out that the order of the C.E.(H) had no basis and did not satisfy the requirements of the sale notification, Sri K. Devaraj represented that Govt. might issue orders to the concerned authorities to take only 25% of one year's bid amount. It was also represented by him that if the Govt. did not issue such orders, his bid might be ordered to be cancelled or set aside as one due to mistake of fact and the amount deposited, viz. Rs.7125/- be refunded to him, as it would be impossible for him to carry on the said business.

2. The matter was referred to the Chief Engineer (Highways) for remarks. With reference to the minutes of the former M.(P.W.) at p.11 c.f., and the C.E. was informed that the Highways Deptt. need not take over the management of the Udayavar Ferry from the lessee till the appeal petition of Sri Devaraj was disposed of by the Government.

3. The remarks of the C.E.(H) on the subject is at pp.21c.f. He has stated that in previous years, only 25% of one year bid amount was collected though the bid was for a period of 3 years. Para 345 of P.W.D. Code requires the collection of 5% of the total purchase amount for the entire period of 3 years as security for the fulfillment of the condition of the lease. So the D.E. was directed by the C.E.(H) to collect 5% of the entire bid amount besides 25% of the one year proportionate amount. The C.E. has now reported that on further consideration of the case it is felt that the demand of 5% of the total amount of the lease need not be insisted on and that the amount of 25% of the first year's lease amount which will be the permanent security till the contract is over will be sufficient.

4. He has also stated that according to the latest report from the D.E.(H), the lessee is in default in the payment of the kist amount as detailed below:-

Kist of June	Rs. 166	plus penalties at 12% according to clause 5(vi) of the sale notification.
Kist of July	Rs.3,166	
Kist of August	Rs.3,166	

He has also reported that the lessee has not also executed the agreement, pending orders on his representation and that if he does not pay the amount, action has to be taken according to clause 5(vi)

of the conditions for the management of the frry departmentally.

5. It will be seen from para 4 above, that th C.E. has agreed to the request of the petitioner at Z on p. 1 ante. The C.E.'s views may be accepted and he may be asked to inform the petitioner accordi

6. It may be seen that the contractor has not paid the kist which was due to be paid in July and afterwards. Perhaps he is awaiting orders on paras 9-10 of his petition. It is therefore for orders whether in view of the fact that the contractor has already paid 25% of the first year's lease amoun the question of taking over the management of the ferry departmentally may be considered if, in future the contractor fails to pay the kist strictly accordi to the conditions in the sale notification.

Finance may see for remarks.

It seems unnecessary to collect penalty as at A on p.2 ante, in view of the position stated above.

2.12.53 3.12.53 4.12.53

(From the C.E.(H)letter No.18669-D1/53-6, dt.1-12-53

Please see the further letter from the C.E.(H) at p.29.3 c.f. He has reported that the lessee has stopped payment of the kist amounts, taking shelter under the orders of the Government tha the Highways Deptt. need not take over the managemen of the Udayavar Ferry till his appeal is disposed of. The C.E. has also stated that the arrear kist due from him now is Rs.13,478/- plus 12% penal interest

P.T.O.

PWC ND. 65701-R/F153

and that it may become very difficult to collect the arrear amount from the lessee if it is accumulated. He has therefore requested early orders in the matter.

5.12.53 Sd. / Jm

S/C

4.12.53

4.12.53

1/ The stay order has been given for a limited purpose i.e. to examine whether the petitioner should be called upon to deposit 25% of 1 years bid amount or 25% of 3 years bid amount. This has been abused by him and he has carried on without paying regular monthly dues to Government for the three months of June, July and August. vide C.E.'s letter at p.21 c.f. Probably he is in arrears for September and October also. It is the question of callecting the Government's money as quickly as possible. Therefore orders may be given to the Chief Engineer to collect arrears immediately and if the petitioner fails to pay the amount, action may be taken according to clause 5(v) of the Agreement at p.25 c.f. The penalty at 12% according to clause 5(vi) of the Sale Notification may also be recovered from the petitioner. This in fact is only the interest on the over due instalments though it is called penalty. There is no ground for waiving this recovery of penalty. He has kept the money otherwise due to Government and the Government is entitled to recover the interest in cases like this.

pp 11-14 C.F and p 17 CF

paras 4-5 on p 21 CF

p 25 C F

2/ It is proposed to tell the petitioner that 25% of the First years lease amount deposited by him is sufficient with reference to his

vide para 3, p 21 C.F

10
7/12
p17 CF

(A) p25 CF

representation at pp.11-14 c.f. ~~on~~ and the stay order. It is also proposed to inform him that the Chief Engineer has been instructed to take action under clause 5(v) of the Sale Notification, in case he fails to pay all the arrears with the penalty immediately.

Finance need not see this case as there is no proposal to write off any amount. Draft ~~letter~~ to the petitioner and the C.E. may issue.

May be approved
O.S.Rao
5/12/53

M(W) Rao Sahib
5/12

The CE(H) spoke to me a few days ago and wanted to expedite orders so that he could say clearly

2

[Issued as Memo No.65701|Q|F|53-4 dt 9.12.53]
" Endt No.65701|Q|F|53-5 dt 9.12.53]

Sent by Std. Messenger on 9.12.53